

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SEAN R. MILLER,

Plaintiff,

No. 9:13-CV-1405
(DNH/ATB)

-v-

MICHELLE WINCHELLE, Registered Nurse,
Washington County Jail / Hudson Headwaters
Health Center; and WADE H. RODENMAYER,
RPA-C ECC, Glens Falls Hospital Emergency
Room,

Defendants.

APPEARANCES:

OF COUNSEL:

SEAN R. MILLER
Plaintiff Pro Se
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Glens Falls, NY 12801

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JAMES E. CULLUM, ESQ.

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Sean R. Miller brought this civil rights action pursuant to 42 U.S.C. § 1983. On December 18, 2014, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised by Report-Recommendation that defendant Winchelle's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) be denied. No objections to the Report-Recommendation were filed.

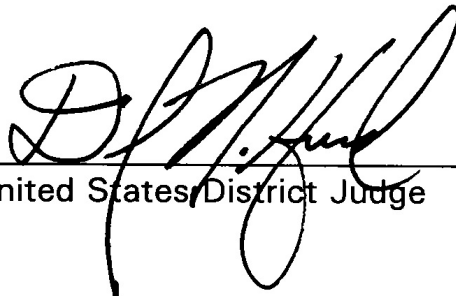
Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendant Michelle Winchelle's motion to dismiss is DENIED;
2. Defendant Michelle Winchelle or her counsel is directed to file an answer to the complaint on or before January 26, 2015; and
3. The Clerk serve a copy of this Decision and Order on plaintiff.

IT IS SO ORDERED.


United States District Judge

Dated: January 14, 2015
Utica, New York.